

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LESIMEON L. BROOKS,

Plaintiff,

-against-

NEW YORK STATE DEPARTMENT OF
PAROLE; J. ROBINSON, Senior Parole
Officer; PAROLE OFFICER J. BOUCK,

Defendants.

19-CV-11125 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, currently detained in the Eric M. Taylor Center (EMTC) on Rikers Island, brings this *pro se* action under 42 U.S.C. § 1983, alleging that Defendants violated his federal rights. For the following reasons, the complaint is dismissed.

On December 6, 2019, the Court issued an order directing Plaintiff to pay the \$400.00 in fees required to file this action or, to proceed without prepayment of fees, submit an IFP application and prisoner authorization. (ECF No. 2.) On December 12, 2019, Plaintiff filed an identical complaint, along with an IFP application and prisoner authorization. That filing was opened as a new action, *Brooks v. New York State Dep't of Parole*, ECF 1:19-CV-11408, 2. Because Plaintiff filed an IFP application and prisoner authorization in that action, and because that action raises identical claims, no useful purpose would be served by the litigation of this duplicate lawsuit. Therefore, the Court vacates its December 9, 2019 order (ECF No. 2), and dismisses this complaint without prejudice to Plaintiff's pending case under docket number 19-CV-11408 (UA).

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court vacates its December 9, 2019 order directing payment of fee or IFP application and prisoner authorization (ECF No. 2).

The Court dismisses the complaint as duplicative.

In light of the Court's belief that Plaintiff may have submitted duplicate complaints in error, the Clerk of Court shall not charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: December 20, 2019
New York, New York



COLLEEN McMAHON
Chief United States District Judge